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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,922	11/21/2003	Kil-soo Jung	1793.1118	7562
49455 7590 08/24/2007 STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005			EXAMINER SHIBRU, HELEN	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 08/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/717,922	Applicant(s) JUNG ET AL.	
	Examiner HELEN SHIBRU	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/10/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kato (US PG PUB 2002/0145702 A1).

Regarding claim 1, Kato discloses an information storage medium storing at least one still image data clip comprising:
at least one still image data file (see paragraphs 0187-0189);
still image clip information including information on a position and attributes of still images in the at least one still image data file (see paragraphs 0167, 0188, 0194, 0202, 0267, and 0272);
and still image sequence information including information on presentation modes and a presentation time for the still images in the at least one still image data file (see fig. 8, paragraphs 0199, 0267 and 0268).

Regarding claim 2, Kato discloses the at least one still image data clip includes one still image data file having a plurality of still images, and the information on positions of the plurality of still images are start addresses of the plurality of still images (see figs. 8, 11-13 and paragraphs 0223, 0224, and 0241).

Regarding claim 3, Kato discloses the at least one still image data clip includes a plurality of still image data files each having one still image, and the information on positions of the still

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images are file names of the still images (see paragraphs 0236, 0267, 0272 and 0279).

Regarding claim 4, Kato discloses at least one still image playlist including at least one still image playitem corresponding to a portion of the still image data clip (see paragraphs 0169 and 0174-0176).

Regarding claim 5, Kato discloses wherein the at least one still image playitem includes information on a start position and an end position of the portion of the still image data clip (see paragraphs 0224, 0241, 0273, and 0283,).

Regarding claim 6, Kato discloses the information storage medium also stores at least one audio data clip including:

at least one audio data file (see paragraphs 0137, 0138 and 0142);

audio clip information including information on a position and attributes of the at least one audio data file (see paragraphs 0339, 0342 and 0345); and

audio sequence information including information on a presentation time for the at least one audio data file (see paragraphs 0331-0332 and 0418).

Regarding claim 7, Kato discloses wherein the presentation time for each of the at least one audio data file is determined using a presentation time stamp according to MPEG standards (see paragraphs 0138, 0209 and 0418).

Regarding claim 8, Kato discloses the presentation time for each of the at least one audio data file is determined by designating a presentation start time and a presentation end time for the at least one audio data file (see paragraphs 0342, 0350 and 0417).

Regarding claim 9, Kato discloses the at least one audio data playlist including at least

one audio data playitem corresponding to a portion of the audio data clip (see paragraphs 0146, 0159, 0175, 0176).

Regarding claim 10, Kato discloses the at least one audio data playitem includes information on a start position and an end position of the portion of the audio data clip.

Regarding claim 11, Kato discloses a presentation mode for the at least one still image data file is one of a slide show mode in which the presentation time for the at least one still image data file is synchronized with the presentation time for a corresponding audio data file and a browsable slide show mode in which the presentation time for the at least one still image data file is not synchronized with the presentation time for a corresponding audio data file and a presentation order of the at least one still image data file is changeable when the at least one still image data file is presented (see paragraphs 0350 and 0416-0418).

Regarding claim 12, Kato discloses the presentation mode is a slide show mode, and the information on the presentation times for the still images of the at least one still image data file are presentation start times and presentation end times for the still images (see paragraphs 0224, 0273, 0283).

Regarding claim 13, Kato discloses the presentation start times and the presentation end times for the still images are recorded using a presentation time stamp according to MPEG standards (see paragraphs 0381, 0394 and 0400).

Regarding claim 14, Kato discloses the presentation mode is a browsable slide show mode, and the information on the presentation times for the still images of the at least one still

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image data file are a presentation start time for a first still image and presentation and duration times the still images (see paragraphs 0167, and 0194-0196).

Regarding claim 15, Kato discloses the presentation mode for the at least one still image data file is the browsable slide show mode, and the total size of still image clips presented within the presentation times for the audio data clips is one of equal to and less than a threshold size (see paragraphs 0243, 0244 and 0280-0281).

Regarding claim 16, Kato discloses the threshold size is determined according to the size of a data buffer of a reproducing apparatus (see paragraphs 0389 and 0390).

Regarding claim 17, Kato discloses a reproducing apparatus for performing reproduction from an information storage medium storing still image data as clips, comprising: a system clock counter which generates a system clock increasing at each point in time (see paragraphs 0148, 0399 and 0451); a reader which reads information on a presentation time for each of at least one still image data file, from the information storage medium, the information storage medium including a still image data clip including the at least one still image data file and information on a presentation mode and the presentation time for the at least one still image data file, and then reads still image data which is to be presented within a presentation time corresponds to the system clock (see paragraphs 0155, 0191, 0407 and fig. 1); a video decoder which, when the system clock has a value within a range of the presentation time for the still image data, decodes the still image data (see fig. 1); and a data output unit which outputs the decoded still image data (see fig. 1, paragraphs 0152-0154, 0156 and 0162).

Regarding claim 18, Kato discloses a user inputs one of a Fast Forward command and a Fast Reverse command during presentation of the still image data in a slide show mode, the system clock counter respectively one of decreases and increases the system clock so as to correspond to the presentation time for the still image data (see paragraphs 0157 and 0196).

Regarding claim 19, Kato discloses an audio decoder which, when the system clock has a value within a range of the presentation time for audio data, decodes the audio data (see paragraphs 0143, 0154 and 0156), wherein the information storage medium has stored thereon the audio data as clips (see paragraphs 0339, 0342 and 0345), wherein the reader reads a presentation time for at least one audio data file from the information storage medium, the information storage medium including an audio data clip including the at least one audio data file and information on a presentation time for the at least one audio data file, and further reads audio data which is to be presented within a presentation time corresponding to the system clock (see paragraphs 0283, 0401 and 0451), and wherein the data output unit outputs the decoded audio data together with the decoded still image data (see paragraphs 0154 and 0156).

Method claims 20-22 are rejected for the same reason as discussed in claims 17-19 respectively above.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-16 are rejected under 35 U.S.C. 101 because the claims are directed to a recording medium storing nonfunctional descriptive material.

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical “things” nor statutory processes. See, e.g. Warmerdam, 33 F. 3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory) and merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. In addition a mere arrangements or compilations of facts or data, are merely stored so as to be read or outputted by a computer without creating any functional interrelationship either as part of the stored data or as part of the computing processes performed by the computer then such descriptive material alone does not impart functionality either to the data as so structured, or to the computer, and therefore are not statutory. See MPEP 2106.IV.B.1.

Conclusion

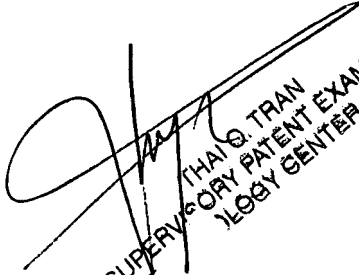
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, THAI TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
August 17, 2007



THAI Q. TRAN
SUPERVISORY PATENT EXAMINER
ELECTRONIC BUSINESS CENTER 2009